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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
EDELL, JOSEPH F	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com
oblonpat@oblon.com
jgardner@oblon.com

Office Action Summary	Application No.	Applicant(s)	
	10/526,432	YASUDA ET AL.	
	Examiner	Art Unit	
	JOSEPH F. EDELL	3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 October 2008*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☒ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/28/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In addition, Claims 1-16 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites that the tension directions acting on the planar tension structure extend "continuously in three dimensions." However, the specification does not reasonably convey to one skilled in the art that Applicant had possession of this subject mater at the time of filing. Moreover, the specification does not describe this subject matter in such a way as to enable one skilled in the art to make and/or use the invention.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Regarding Claims 2 and 3, the claim language states "a first tension which two-dimensionally supports the planar tension structure". How is an object supported two-dimensionally by a tension? What is meant by this language? Both claims 2 and 3 also state "a pseudo normal line direction", the use of the word pseudo is unclear as to how it limits the claim. Claim 3 further states that the pseudo normal line direction is along a vertical plane that includes a front rear direction. How does a vertical line contain the horizontal front-rear direction? For the purpose of examination the examiner presumes that the applicant means that the planar tension structure is supported in three directions, one of which intersects the other two in a vertical direction which results in three vectors of tension.

6. Regarding Claim 4, the claim language states "at a time of sitting, pulls a rear end of the planar tension structure rearward while moving the rear end forward". This does not go with the accepted understanding of the invention. How does the elastic member move the structure rearward and forward at the same time? It is in fact the action of sitting that pulls the structure forward and not the elastic structure.

7. Regarding Claims 10, the limitations "structure so as to make integral a three-dimensional tension structure and a two-dimensional tension structure". It is unclear what is meant by the phrase "make integral". How are the two structures made integral? How does this relate to the substantially central portion?

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-6, and 17, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Fujita et al. (US Patent 6,302,487 B1).

10. In re Claim 1, with reference to Figures 9,16 and 17 Fujita et al. discloses a seat (S) comprising:

- a seat frame including a sitting portion frame (16) and a back portion frame (20);
- a planar tension structure (8) attached to the sitting portion frame (16) or the back portion frame (20); and
- an elastic supporting structure (52,54) that supports the planar tension structure (8) between the sitting portion frame (16) or the back portion frame (20) and the planar tension structure (8), such that directions of tensions acting on the planar tension structure (8) extend in three directions.

11. The examiner notes that the Y and Z components of the spring (52) and the X component of the spring (54) produce a tension in three directions.

12. In re Claim 2, as best understood, Fujita et al. disclose that the tension is formed of a tension, which two-dimensionally supports the planar tension structure, and a

pseudo normal line direction force, which is a force in a direction intersecting the tension (col. 8, lines 19-29).

13. In re Claim 3, as best understood, with reference to Figure 1, Fujita et al. disclose a direction of the pseudo normal line direction force is a direction along a vertical plane including a front--rear direction of the seat.

14. In re Claim 4, as best understood, with reference to Figures 11 and 16, Fujita et al. disclose that a front end of the planar tension structure is fixed to the sitting portion frame (16), and wherein the elastic supporting structure includes a first elastic member (52) which, at the time of sitting pulls a rear end of the planar tension structure rearward.

15. In re Claim 5, as best understood, with reference to Figures 11 and 16, Fujita et al disclose wherein the elastic supporting structure includes a second elastic member which is provided between the sitting portion frame and the planar tension structure, and which, at a time of sitting, pulls downward.

16. In re Claim 6, as best understood, with reference to Figures 16 and 17, Fujita et al. disclose inherently disclose that the second elastic member (13) pulls the planar tension structure such that maximum flexing at the time of sitting arises rearward of a front-rear direction central portion at the time of sitting.

17. In re Claim 17, with reference to Figures 9,16 and 17 Fujita et al. ('487) discloses a seat comprising:

- a frame for a sitting portion (16);

- a cushion material including a lower layer portion (15) stretched in a front-rear direction at the frame for the sitting portion (16), and a surface layer portion layered on the lower layer portion and stretched at the frame for the sitting portion (10) (col. 13, lines 13-18); and
- a tension adjusting mechanism (52,54) connecting connection positions at the lower layer portion (15) in vicinities of beneath ischial tuberosities of a seated person and portions at the frame for the sitting portion (16) which portions are lower than the connection positions, and generating tensile force at a time of sitting.

18. Claim 18 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,462,196 to Arnold.

19. In re Claim 18, with reference to Figure 1, Arnold et al. disclose a seat comprising:

- back portion frame (2);
- a cushion material (50) including a lower layer portion (20) stretched on the back portion frame and a surface layer portions (52) layered on the lower layer portion and stretched on the back portion frame; and
- a tension adjusting mechanism (34) that connected at least one connection position of the lower layer portion (20) that is located further upward than beneath the shoulder blades.

Claim Rejections - 35 USC § 103

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

21. Claim 22, as best understood, is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al.

22. In re Claim 22, Fujita et al ('487) discloses the seat as described above, with three-dimensional and two-dimensional net fabrics, but fails to disclose that they stretch in one direction and not the other.

23. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use a net that stretches in one direction since it was known in the art that net fabrics stretch more in one direction than the other.

24. As best understood, Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. in view of Karg (U.S. Patent No. 2,633,184).

25. In re Claim 7, Fujita et al. disclose the seat as described above with two tension members, but fail to disclose a third tension member along the outer regions of the rear end of the seat.

26. However, with reference to Figure 1, Karg discloses a spring attached to the rear outer edge of the seat.

27. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the seat of Fujita et al. with a third spring as taught by

Karg at the outer portions of the seat, in order it increase the comfort of the seat upon seating.

28. Claims 8 and 12-16, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. in view of Granger (U.S. Patent No. 199,535).

29. In re Claim 8, as best understood, with reference to Figures 9,16 and 17, Fujita et al. disclose that the elastic supporting structure is provided between the sitting portion frame (16) and the planar tension structure (8), and at a time of sitting urges downward (52) a portion of the planar tension structure (8) that is located further rearward with respect to a front-rear directions than a central portion of the planar tension structure.

30. Fujita et al fails to disclose a part that urges upward a portion of the planar tension structure.

31. However, with reference to Figures 2 and 3, Granger discloses a spring support system that includes springs (b) arranged under a plate (a) on the seating region of a chair that is located further forward than the center of the chair.

32. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the spring structure as taught by Granger, since Granger states that the structure prevents strain of the limbs.

33. In re Claim 12, as best understood, with reference to Figures 9,16 and 17, Fujita et al. disclose a seat (S) comprising:

- a seat frame having a sitting portion frame (16) and back portion frame (20); and

- a cushion material including a two-dimensional knit fabric or a three-dimensional solid knit fabric (8) stretched at the sitting portion frame (16) or back portion frame (20).

34. Fujita et al. fail to disclose a tension adjusting mechanism that adjusts tension such that force in a pushing direction occurs at a region of the cushion material that a specific region of a human body pushes at a time of sitting.

35. However, with reference to Figures 2 and 3, Granger discloses a spring support system that includes springs (b) arranged under a plate (a) on the seating region of a chair.

36. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the spring structure as taught by Granger, since Granger states that the structure prevents strain of the limbs.

37. In re Claim 13, as best understood, with reference to Figure 17, Fujita et al. disclose a connection member (54) which connects the seat frame and a portion of the cushion material corresponding to the region that the specific region of the human body pushes, and which functions as an elastic member which generates tensile force at the time of sitting.

38. In re Claim 14, as best understood, Granger discloses an urging member (b) that is provided which urges, in a direction opposite to the pushing direction by the human body at the time of sitting, a region at the cushion material which region is other than a region which is pulled by the connecting member.

39. In re Claim 15, as best understood, Granger discloses that the urging member includes a compression spring (b) which is disposed beneath the cushion material at the sitting portion frame.

40. In re Claim 16, as best understood, Fujita et al. disclose that the urging member includes an extension spring (54) which connects the sitting portion frame (16) or the back portion frame and the cushion material (8).

41. Claims 9 and 10, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. in view of Nakane et al. (U.S Publication No. 2001/0043002 A1).

42. In re Claims 9 and 10, Fujita et al. disclose the seating structure as described above, but fail to disclose an elastic supporting structure for the back portion frame.

43. However, with reference to Figure 2, Nakane et al. discloses two sets of spring structures, a first set of torsion springs (82) that can move the support structure forward and a second set of hanger springs (75) that pull in a rearward directions.

44. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the planar tension structure of Fujita et al. with the torsion and hanger springs of Nakane et al., in order to better allow for flexibility of the back support frame.

45. Claim 11 is rejected, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. in view of Nakane et al. and further in view of Granger.

46. In re Claim 11, Fujita et al. disclose the seating structure as described above, but fail to disclose a supporting plate disposed beneath the pelvis of a seated person.

47. However, with reference to Figures 2 and 3, Granger discloses a spring support system that includes springs (b) arranged under a plate (a) on the seating region of a chair that is located further forward than the center of the chair.

48. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the spring and plate structure as taught by Granger, since Granger states that the structure prevents strain of the limbs.

49. Claims 19-22, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujita et al. in view of Granger and Akizuki et al. (U.S. Patent No. 5,490,718).

50. In r Claim 19, as best understood, Fujita et al. disclose a seat frame (16) that includes a fixed frame (16) with a cushion material that includes a cloth spring material (8) with a front end portion that is anchored at the fixed frame (16) and a surface layer portion layered on the cloth spring material and stretched on the fixed frame (2); and a tension adjusting mechanism (52) wherein the tension adjusting mechanism generates tensile force at the time of sitting.

51. Fujita et al. fail to disclose an urging member and a movable frame.

52. However, with reference to Figure 11, Akizuki et al. discloses a rear-linking frame member (68) that pivots around the stepped bolt (78) upon sitting.

53. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the elastic supporting structure and fabric of Fujita et al.

with the rear rotatable member as taught my Akizuki et al, in order to allow for better comfort upon sitting.

54. However, with reference to Figures 2 and 3, Granger discloses a spring support system that includes springs (b) arranged under a plate (a) on the seating region of a chair that is located further forward than the center of the chair.

55. It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the spring structure as taught by Granger, since Granger states that the structure prevents strain of the limbs.

56. In re Claim 20, with reference to Figures 2 and 3, Granger discloses a pushing member (a).

57. In re Claim 21, with reference to Figures 2 and 3, Granger disclose the pushing plate as described above, but fails to disclose the exact dimensions of the pushing plate.

58. It would have been obvious matter of design choice to modify the Granger et la. reference by having the pushing plates of a width of 100mm that includes a rear end portion that is positioned 250 mm to 350mm forward, since applicant has not discloses that having exact dimensions and position solves any stated problem or brings about unexpected results.

Allowable Subject Matter

59. Claims 23-25 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph and 35 U.S.C. 101, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

60. Applicant's arguments filed 28 October 2008 have been fully considered but they are not persuasive. With respect to the 35 U.S.C. 112, second paragraph rejection of claims 2 and 3, Applicant argues "a first tension which two-dimensionally support the planar tension structure" is definite because the disclosed cloth spring material 68 would not have planar shape unless tension was applied in two dimensions corresponding generally to the front-rear direction and left-right direction of the seat. However, Applicant's assertions regarding the cloth spring material are insufficient to establish that the recited limitations specified as being indefinite are sufficiently clear, as required by 35 U.S.C. 112, second paragraph.

61. With respect to the 35 U.S.C. 112, second paragraph, rejection of claims 2 and 3, Applicant argues that "a pseudo normal line direction" is definite because the limitation is defined in claim 3. However, claim 3 merely sets forth "a direction of the pseudo normal line direction force," which does not sufficiently make clear what the term "a pseudo normal line direction" means in claims 2 and 3.

62. With respect to the 35 U.S.C. 112, second paragraph, rejection of claim 4, Applicant argues that "at a time of sitting, pulls a rear end of the planar tension structure

rearward while moving the rear end forward" is definite because movable frame portion 42 that supports the cloth spring material 68 moves forward while the tension bar 62 continues to apply a rearward tension. However, this does not clarify how a single first elastic member can both pull a rear end of the planar tension structure rearward while moving the rear end forward. It appear that frame portion 42 moves the rear end of the planar tension structure forward while a separate member (tension bar 62) hold the rear end of the planar structure in place.

63. With respect to the 35 U.S.C. 112, second paragraph, rejection of claim 10, Applicant argues that “a structure so as to make integral a three-dimensional tension structure and a two-dimensional tension structure” is definite because claim 10 makes clear that the structures are provided together at least at a central portion of the seat in a right-left direction. However, Applicant's assertion does not clarify what is meant by the phrase "make integral" and how the structures are made integral.

64. With respect to the 35 U.S.C. 102(b) rejection of claims 1-6 and 17 as being anticipated by Fujita et al., Applicant argues that the springs 52,54 fails to apply a tension that is continuous while the movable frame portion 42 and a torsion bar 62 of the instant application is equivalent to using an infinite number of coil springs. Please note that Examiner reasonably interprets “continuous” as without interruption. However, Examiner finds that the while, Fujita et al. does not disclose use of an infinite number of coil springs, Fujita et al. disclose the use of a sufficient number of springs such that the directions of tension acting on the planar tension structure extends without interruption in three dimensions. With respect to claim 17, Applicant argues that Fujita et al. fail to

teach the tension adjustment mechanism in vicinities beneath ischial tuberosites of a seated person because the springs 52 connect to the net 8 at a location rearward of the intersection between the seat portion of the net and the back portion of the net 8. Please note that any recitation of the location of recited claim elements in relation to a seated user is necessarily intended use language because it is dependent upon the size of the seated user. Please note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Because the tension adjusting mechanism (for example spring 54 in Fig. 17) of Fujita et al. is capable of being in the vicinities beneath ischial tuberosites of a small seat person, Fujita et al. meets the disputed intended use language. Upon consideration of Applicant's arguments, Examiner maintains the rejection of claims 1-6 and 17 as being anticipated by Fujita et al.

65. With respect to the 35 U.S.C. 102(b) rejection of claim 18 as being anticipated by Arnold, Applicant argues that Arnold fails to teach a cushion with a lower layer portion stretched on a frame and no rearward tension is applied to the lower layer portion. However, the lower layer portion 20 of Arnold is stretched on the frame 2 by virtue of wire 14 attached to the frame and lower layer portion. Moreover, the tension adjustment mechanism 34 of Arnold inherently generates tensile force which pulls the lower layer portion upward and rearward at a time of sitting because the back portion frame 2 is positioned rearward of the seated user.

66. With respect to the 35 U.S.C. 103(a) rejection of claim 22 as being unpatentable over Fujita et al., Applicant argues that claim 18 was not rejected in view of Fujita et al. wherein claim 22 depends upon claim 18. However, claim 22 depends on any one of claims 17 through 19. Because claim 17 was properly rejected as being anticipated by Fujita et al., claim 22 is properly rejected in view of Fujita et al.

67. With respect to claim 19, Applicant merely points out the deficiencies of Fujita et al. when claim 19 has been rejected under 35 U.S.C. 103(a) as being obvious over Fujita et al. in view of Granger and Akizuki et al. Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See the above rejection of claim 19 setting forth the combination of Fujita et al., Granger, and Akizuki et al.

68. The rejections under 35 USC 103(a) drawn toward claims 7-11 and 13-16, were argued solely on the premise that the cited art does not teach or suggest the seat of claim 1, and as a result the above 35 USC 103(a) rejections of claims 7-11 and 13-16 remain.

69. With respect to the 35 U.S.C. 103(a) rejection of claim 12 as being unpatentable over Fujita et al. in view of Granger, Applicant argues that the Fujita et al. fail to teach the force being applied at the location where a person applies the force because Fujita et al. teach the force is applied at a location rearward of the intersection between the seat portion of the net 8 and the back portion of the net 8. Initially, please note that any recitation of the location of recited claim elements in relation to a seated user is necessarily intended use language because it is dependent upon the size of the seated

user. Please note that a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. Because the pushing direction force of the combination of Fujita et al. and Granger is capable of being at a specific region that a human body pushes at the time of sitting, the combination meets the disputed intended use language. Secondly, Please note that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See the above rejection of claim 12 setting forth the combination of Fujita et al. and Granger.

Conclusion

70. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

71. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (571) 272-6858. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Joseph F Edell/
Primary Examiner, Art Unit 3636
January 8, 2009